IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8747 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PUJARA N VADILAL

Versus

GOVERNMENT OF GUJARAT

Appearance:

MR HV PUJARA for Petitioner

MR SAMIR DAVE, AGP, for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/10/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The claim of the petitioner for regular promotion on the post of Director of Gujarat State Education Research and Training Centre deserves no acceptance for

the reason that in the departmental inquiry ultimately he has been punished. That was the adversity in his service record and for this adversity for such a higher post, may be a selection post, he cannot be given regular promotion.

3. I do not find any merits in the contention of the learned counsel for the petitioner that it is a double penalty i.e. the penalty which has been given in the departmental inquiry and withholding of promotion. This is totally a fallacious argument. It is not a double penalty but because of penalty given to him in the departmental inquiry, it is adversity which has been taken into consideration for adjudging unsuitable the petitioner to the post of Director by promotion. However, it is not in dispute that under the order dated 27th June, 1989, the petitioner was posted as Director, a new post created vide resolution of the Education Department dated 11-5-1988 No.RSB/1082/75065-(88)-N in the pay scale of Joint Director, which post he was holding. The petitioner is certainly entitled for the pay in the pay scale of Director for the period during which he worked on that post on the principle of `equal pay for equal work'. To this extent only, this petition deserves acceptance. Accordingly, it is partly allowed and the respondents are directed to give to the petitioner the difference of salary of the pay scale of the post of Joint Director and that of Director for the period from the date on which he assumed the post of Director till he retired from the post. Rule is made absolute to this extent only. No order as to costs.

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